



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

Neil Magbag Santos,  
Defendant.

Case No.: SACR 09-221 JVS-3  
ORDER OF DETENTION

I.

A. ( ) On motion of the Government in a case allegedly involving:

1. ( ) a crime of violence.
2. ( ) an offense with maximum sentence of life imprisonment or death.
3. ( ) a narcotics or controlled substance offense with maximum sentence of ten or more years.
4. ( ) any felony - where defendant convicted of two or more prior offenses described above.
5. ( ) any felony that is not otherwise a crime of violence that involves a minor victim, or possession or use of a firearm or destructive device or any other dangerous weapon, or a failure to register under 18 U.S.C. § 2250.

1 B. ☒ On motion by the Government/( ) on Court's own motion, in a case  
2 allegedly involving:

3 ☒ On the further allegation by the Government of:

4 1. ☒ a serious risk that the defendant will flee.

5 2. ( ) a serious risk that the defendant will:

6 a. ( ) obstruct or attempt to obstruct justice.

7 b. ( ) threaten, injure or intimidate a prospective witness or  
8 juror, or attempt to do so.

9 C. The Government ( ) is/☒ is not entitled to a rebuttable presumption that no  
10 condition or combination of conditions will reasonably assure the defendant's  
11 appearance as required and the safety of any person or the community.  
12

## 13 II.

14 A. ☒ The Court finds that no condition or combination of conditions will  
15 reasonably assure:

16 1. ☒ the appearance of the defendant as required.

17 ( ) and/or

18 2. ( ) the safety of any person or the community.

19 B. ( ) The Court finds that the defendant has not rebutted by sufficient evidence to  
20 the contrary the presumption provided by statute.  
21

## 22 III.

23 The Court has considered:

24 A. (☒) the nature and circumstances of the offense(s) charged, including whether  
25 the offense is a crime of violence, a Federal crime of terrorism, or involves  
26 a minor victim or a controlled substance, firearm, explosive, or destructive  
27 device;

28 B. (☒) the weight of evidence against the defendant;

- 1 C. ☒ the history and characteristics of the defendant; and  
2 D. ☒ the nature and seriousness of the danger to any person or the community.

3  
4 IV.

5 The Court also has considered all the evidence adduced at the hearing and the  
6 arguments and/or statements of counsel, and the Pretrial Services  
7 Report/recommendation.

8  
9 V.

10 The Court bases the foregoing finding(s) on the following:

- 11 A. ☒ As to flight risk:

12 defendants' inability to recount any employment  
13 history from 1993 to 2009  
14 use of numerous personal identifiers  
15 recent foreign travel  
16 unknown <sup>or unwilling</sup> bail resources or sureties  
17 unverified background  
18 currently unemployed  
19 possible former fugitive status  
20

- 21 B. ☐ As to danger:  
22  
23  
24  
25  
26  
27  
28

VI.

- 1
- 2 A. ( ) The Court finds that a serious risk exists the defendant will:
- 3 1. ( ) obstruct or attempt to obstruct justice.
- 4 2. ( ) attempt to/ ( ) threaten, injure or intimidate a witness or juror.
- 5 B. The Court bases the foregoing finding(s) on the following:

6 \_\_\_\_\_

7 \_\_\_\_\_

8 \_\_\_\_\_

9

VII.

- 10
- 11 A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.
- 12 B. IT IS FURTHER ORDERED that the defendant be committed to the custody of the
- 13 Attorney General for confinement in a corrections facility separate, to the extent
- 14 practicable, from persons awaiting or serving sentences or being held in custody
- 15 pending appeal.
- 16 C. IT IS FURTHER ORDERED that the defendant be afforded reasonable opportunity
- 17 for private consultation with counsel.
- 18 D. IT IS FURTHER ORDERED that, on order of a Court of the United States or on
- 19 request of any attorney for the Government, the person in charge of the corrections
- 20 facility in which defendant is confined deliver the defendant to a United States
- 21 marshal for the purpose of an appearance in connection with a court proceeding.
- 22

23

24 DATED: 9/5/12

  
\_\_\_\_\_  
JEAN ROSENBLUTH  
U.S. MAGISTRATE JUDGE

25

26

27

28